

REMARKS

The office action of August 19, 2009, has been carefully considered.

It is noted that claims 1-14 are objected to for containing various informalities.

Claims 11-14 are rejected under 35 U.S.C. 112, first paragraph.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1-6 and 10 are rejected under 35 U.S.C. 103(a) over the patent to Eulenburg in view of the patent to DeFreitas.

Claim 7 is rejected under 35 U.S.C. 103(a) over Eulenburg in view of DeFreitas, and further in view of the patent to Grogan.

Claims 8-9 are rejected under 35 U.S.C. 103(a) over Eulenburg in view of DeFreitas, and further in view of the patent to Chappel et al.

In view of the Examiner's rejections of the claims, applicant has amended claims 1, 6, 10 and 11.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 1-14 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims now on file contain subject matter which is sufficiently described in the specification so as to enable one skilled in the art to make and/or use the invention.

In view of these considerations it is respectfully submitted that the rejection of claims 11-14 under 35 U.S.C. 112, first paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to the patent to Eulenburg, it can be seen that this patent discloses dispenser for pasty products. Eulenburg does not disclose a one-piece, elastic valve disk, formed without through-openings, that lies flat and unfastened on the suction opening of the upper pump part. Eulenburg also does not teach that the bottom opening of lower discharge channel part extends all the way down to the center of the valve disk, and that the center part of the valve disk bulges up and down due to pressure changes in the suction chamber due to volume changes of the pressure chamber so that the disk alternately opens and closes the centrally located bottom opening of the discharge channel part, whereas conversely the outer edge area of the disk undergoes deformation simultaneously to close and open the suction opening of the lower pump part, as in the presently claimed invention. In Eulenburg the valve disk is circular and sits with its center pass through region on a pin-shaped element, and with its outer edge is fixedly clamped between the head-part of the dispenser and the container.

The inner edge of the circular disk that rests on the conical jacket surface of the pin-like element closes, like an inlet valve for the pump chamber, in the dispensing setting seals the access from the container to the pump chamber and opens, in the suction setting, the access by central bulging of the inner edge. Further in Eulenburg, the radial ring surface region, somewhat in the middle between the inner edge and the outer, fixed edge of the circular disk, closes, as an outlet valve for the pump chamber in the suction setting, a ring-shaped slit between the ring-shaped region and a ring wall, which slit leads to a ring channel, and opens the ring-slit in the dispensing setting by bulging downwardly from the ring wall. Thus, it is believed clear that the structure of Eulenburg is different from the presently claimed invention.

The patent to DeFreitas discloses a dispenser for liquids in which an elastic pump chamber is located in the liquid and is connected by a dispensing channel with a dispenser head. The pump chamber has an inlet valve in the form of a freely movable fixed vent disk without pass-through openings. In the dispensing setting the valve disk closes in the lower regions the inlet openings of the pump chamber by axial displacement downwardly, and opens the inlet openings by axial displacement upwardly. An outlet valve for

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the pump chamber is not present because in the suction setting the liquid flows into the pump chamber due to its hydrostatic pressure. The valve disk of DeFreitas also does not have a double function as both an inlet and an outlet valve. This known dispenser is not suited for pasty substances and thus teaches away from the presently claimed invention.

The Examiner combined these references in determining that claims 1-6 and 10 would be unpatentable over such a combination. Applicant respectfully submits that neither of these references, nor their combination, teach a dispenser pump in which the bottom opening of the lower discharge channel part extends all the way down to the center of the valve disk, and in which the center part of the valve disk bulges up and down due to pressure changes in the suction chamber due to volume changes of the pressure chamber so that the disk alternately opens and closes the centrally located bottom opening of the discharge channel part, whereas conversely the outer edge area of the disk undergoes deformation simultaneously to close and open the suction opening of the lower pump part, as in the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claims 1-6 and 10 under 35 U.S.C. 103(a)

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over a combination of the above-discussed references is overcome and should be withdrawn.

The patents to Grogan and Chappel et al. have also been considered. Applicant submits that neither of these references adds anything to the teachings of Eulenburg and DeFreitas so as to teach the invention as discussed above in connection with independent claim 1. Thus, it is respectfully submitted that the rejections of claims 7-9 under 35 U.S.C. 103(a) are overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on December 21, 2009.

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